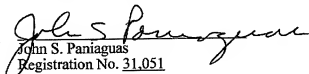


Appl. No.: 09/709,772

REMARKS

Upon entry of the instant amendment, claims 1-3, 7 and 8 are pending. It is respectfully requested that the Amendment be entered pursuant to MPEP § 1206. In particular, the Amendment is being submitted prior to the date that the Appeal Brief is being submitted and is being submitted to reduce the issues on Appeal. Specifically, it is submitted that the instant amendment should overcome the rejection under 35 USC § 112. The Commissioner is hereby authorized to charge any required fees in connection with this amendment to the undersigned's Deposit Account 50-1214.

Respectfully Submitted,


John S. Paniaguas
Registration No. 31,051

Date: Sept 2, 2008

KATTEN MUCHIN ROSENMAN LLP
2900 K Street, NW
Suite 200
Washington, DC 20007-5118
Phone No. (312) 902-5200
Fax No. (312) 902-1061